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December 14, 2010

**BY ECF**

Honorable Lois Bloom  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Isaiah Barnes v. City of New York, et al.  
10 CV 5450 (SJ)(LB)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendant City of New York in the above-referenced matter. I write to respectfully request an enlargement of time to answer or otherwise respond to the complaint from Wednesday, December 15, 2010 until Monday, February 14, 2011. I have conferred with plaintiff's counsel, and he has consented to the extension under the condition that the City has agreed to serve Rule 26 initial disclosures with its answer.

In the complaint, plaintiff alleges, *inter alia*, that, on August 10, 2010, he was falsely arrested and deprived of his constitutional right to free speech by members of the New York City Police Department.<sup>1</sup> Plaintiff alleges further that he accepted an adjournment in contemplation of dismissal as the resolution to his criminal charges.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. Therefore, this office will be

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<sup>1</sup> Pursuant to the caption, there are no individual defendants, other than John Does, named in this matter.

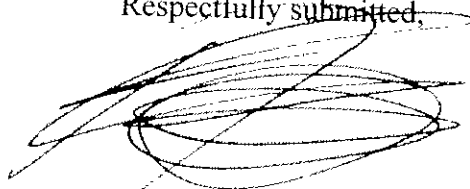
forwarding to plaintiff for execution consents to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50. Pursuant to that statute, all official records concerning plaintiff's arrests and/or prosecutions, including even our own police records, are sealed. Defendant cannot obtain these records without the designation, and without the records, defendant cannot properly assess this case or respond to the complaint.

In addition, it generally takes more than 30 days to receive responsive documents back once the duly executed release is processed. Only until such time as the underlying relevant documents are received can this office determine how best to proceed with the case and to address intelligently the matters required by Fed. R. Civ. P. 26.

No previous request for an extension has been made by either party. There are no scheduled conferences that will be affected by this proposed extension. Accordingly, it respectfully requested that the Court grant the City's application to extend its time to answer or otherwise respond to the complaint to February 14, 2011.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karl J. Ashanti', written over a series of horizontal lines.

Karl J. Ashanti (KA4547)  
Assistant Corporation Counsel

cc: Gabriel P. Harvis, Esq. (by ECF)